

Haringey Council

Report for:	Regulatory Committee 12 June 2014	Item Number:	
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Title:	Amendment of Local Licensing Procedure Rules
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Report Authorised by:	Bernie Ryan, Assistant Director of Corporate Governance & Monitoring Officer <i>Bernie Ryan</i>
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Lead Officer:	Antonios Michael, Acting Principal Lawyer
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Ward(s) affected: All	Report for Key/Non Key Decisions: N/A
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1. Describe the issue under consideration

The updating of the Council's Local Licensing Procedure Rules.

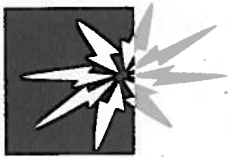
2. Cabinet Member introduction

N/A

3. Recommendations

That the committee approves:

- i) the revised local licensing procedure rules attached as **Appendix 1**;
- ii) the revised licensing sub-committee hearings procedure summary attached as **Appendix 2**; and
- iii) the revised licensing sub-committee review hearings procedure summary attached as **Appendix 3**.

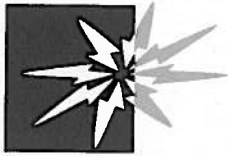


4. Alternative options considered

Retaining the existing licensing procedure rules and procedure summaries was considered, however, this was not considered appropriate as doing so would not be consistent with the Localism Act 2011.

5. Background information

- 5.1 The existing licensing procedure rules were last amended on 24 May 2007. They were further amended on 26 May 2011 but only in so far as the term "Licensing Committee" was replaced with the term "Regulatory Committee" following its creation as a result of the governance review.
- 5.2 The proposed amendments to the local licensing procedure rules for this committee's consideration are set out in **Appendix 1**. They reflect the following:
- i) Making reference to disclosable pecuniary interests following their introduction by the Localism Act 2011.
 - ii) Removing the restriction on members from sitting on licensing sub-committees where they have a personal interest alone but where that interest does not amount to prejudicial interest;
 - iii) Changes in the names of council departments following re-structures;
 - iv) The fact that that the Regulatory Committee does not itself hear applications;
 - v) The removal of outdated references such as "standing orders";
 - vi) Ensuring that the paragraphs dealing with member participation in hearings is aligned with (and avoids duplication of) relevant parts of the current version of the Constitution;
 - vii) A general "tidy up" for form and sense;
- 5.3 The proposal in 5.2(i) above is to bring the rules in line with those of other committees and to be consistent with the spirit of the Localism Act 2011. The restriction in 5.2(ii) is considered unnecessary and creates the potential for requiring substitutions in circumstances where there is no material risk of bias.



5.4 For completeness, it is not proposed to remove the restriction on members from hearing applications in their own wards. While this restriction is not a strict legal requirement, it prevents the potential for perceived bias from aggrieved parties (and possible appeals) which can be avoided. This restriction is supported by non-statutory guidance and reflects best practice amongst local authorities.

5.5 The amendment to the procedure summaries in Appendices 2 and 3 are very minor. The only amendment of note is an amendment that gives the committee a discretion in permitting the admission of "last minute evidence" even if the opposing party objects to this. The general rule would be not to permit its admission, however, there are circumstances where the principles of natural justice would require its admission and such a decision would always be made with the benefit of legal advice.

6. Comments of the Chief Finance Officer and financial implications

There are no specific financial implications arising of this report.

7. Comments of Assistant Director of Corporate Governance

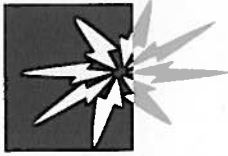
The Assistant Director of Corporate Governance notes and approves the content of this report. In its capacity as the statutory Licensing Committee, the Regulatory Committee's terms of reference provide for the determination of procedures to be followed in handling applications under the Licensing Act 2003 and the Gambling Act 2005.

8. Equalities and Community Cohesion Comments

Policy and Equalities Team have been consulted in the preparation of this report and comment that the proposals outlined in this report carry no apparent implications for the public sector equality duty under S149 of the Equality Act 2010.

9. Head of Procurement Comments

N/A



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10. Reasons for Decision

To update the Council's Local Licensing Procedure Rules and procedure summaries, and ensuring they are not unnecessarily burdensome.

11. Use of Appendices

Appendix 1: Local Licensing Procedure Rules

Appendix 2: Licensing Sub-Committee Hearings Procedure Summary

Appendix 3: Licensing Sub-Committee Review Hearings Procedure Summary

12. Local Government (Access to Information) Act 1985

N/A